

Nationality requirements in olympic sports

Citation for published version (APA):

Wollmann, A. S. (2016). *Nationality requirements in olympic sports*. [Doctoral Thesis, Maastricht University]. Wolf Legal Publishers. <https://doi.org/10.26481/dis.20160628aw>

Document status and date:

Published: 01/01/2016

DOI:

[10.26481/dis.20160628aw](https://doi.org/10.26481/dis.20160628aw)

Document Version:

Publisher's PDF, also known as Version of record

Please check the document version of this publication:

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Propositions accompanying the dissertation

Nationality Requirements in Olympic Sports

By Anna Sabrina Wollmann

1. The introduction of a separate and uniform ‘sporting nationality’, which is disconnected from the athlete’s nationality, is neither feasible nor desirable (Chapter 17.3).
2. If additional requirements, such as residence or non-competition periods, can be waived, the reasons behind the waivers should be made public as to forestall corruption (Chapter 16.3.4).
3. Minor athletes should not be held to a decision they took when not being able to make legally binding decisions. There should be a period of at least three years between the age of 18 and the age of 21 during which, an athlete is allowed to re-decide for which country he or she wishes to compete (Chapter 16.7).
4. All eligibility criteria that are applied should be written down and the terminology used should be consistent and clear (Chapter 15.1 and 17.1).
5. There are several entities, ranging from the various sporting federations to the IOC and the CAS, that are influencing the content and rules of sports law. This field of law is thus continuously evolving.
6. When judging how restrictive a requirement is one does not only need to look at the requirement itself, but also at the administrative requirements and regulations connected to it. A simple requirement asking for a proof of residence may be hard to fulfil if the means of providing such a proof are difficult to come by, for example by asking for a copy from a local register which can only be obtained after payments or following a personal meeting with a civil servant.
7. States should not provide for passports-for-sale programmes as no *genuine link* between a person and a state is created by a transfer of money.
8. Given the highly varied ways in which sporting federations have currently set down their eligibility criteria, the aim of this dissertation was not only to map the rules currently in force, but also to underscore similarities and to create a draft article that is in accordance with standards of international law. The next steps would be to implement such an article and to monitor the resulting changes.
9. The position of refugees in sport, as it is currently tackled by the IOC, is highly political and will be an active and quickly developing field of research following the 2016 Games in Rio.
10. There is nothing like looking, if you want to find something. You certainly usually find something, if you look, but it is not always quite the something you were after (J.R.R. Tolkien)